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FILED

JAN 04 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

JANINE MALAVE, R.N.  
LICENSE #NO 06271600

TO PRACTICE AS A  
REGISTERED NURSE IN THE  
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER IN  
RESOLUTION OF  
PROVISIONAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of  
Nursing ("Board") upon the filing of a Provisional Order of  
Discipline on June 5, 2012, following receipt of information

that respondent voluntarily surrendered her Ohio nursing license by means of an order filed on September 25, 2009. The order, which made no findings, constituted permanent revocation of her Ohio license. Subsequently, premised on the Ohio action, respondent's nursing license in Virginia was suspended on November 12, 2009. The Board finds that the action in Ohio subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(g).

Respondent, from 2007 until her resignation in 2009, had been employed as Director of Nursing for American Health Care, a school at which she had been employed as an adjunct professor from 2005 through 2007. Respondent's duties as Director related to student files, grades, orientation, and other educational matters, rather than to nursing care. When the owner of the school wanted to expand to other states, respondent became licensed in Ohio to help him accomplish this goal. The owner claimed to be a physician. Respondent claims that he fraudulently signed her name to application documents which provided false or misleading information, resulting in denial of the application. Respondent further maintains that she was deceived by the owner of the school, and had no idea that he was falsely representing himself as a physician, and that he was

submitting documents to the Ohio Board of questionable legitimacy without her knowledge. The Board finds that as soon as respondent was advised by the Ohio Board of Nursing that the school's owner had been fraudulently holding himself out as a licensed physician, respondent should have promptly contacted the Ohio Board and disassociated herself from that conduct. Rather, she resigned from her employment weeks later. Respondent agrees to enter into this consent order, based upon the action against her Ohio license, and to avoid further litigation in this matter.

The parties desiring to resolve the Provisional Order of Discipline without further proceedings and without admissions, respondent waiving any right to a hearing and the Board finding that entry of the within order in full resolution of the Provisional Order of Discipline is appropriate, and sufficiently protective of the public health, safety and welfare, and for other good cause shown;

IT IS on this <sup>4<sup>th</sup></sup> day of January, <sup>2013</sup>~~2012~~ *AC*

HEREBY ORDERED AND AGREED that:

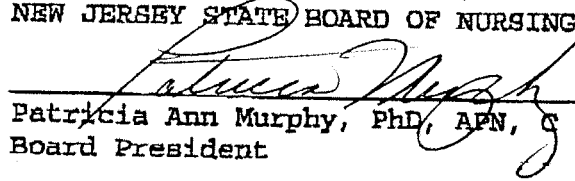
1. A one year suspension of license is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(g). The suspension, which shall take effect upon the filing of this

Order, is to be entirely stayed and served as a period of probation.

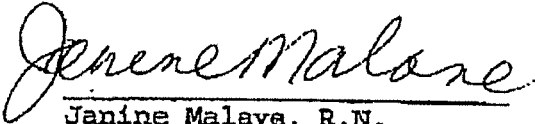
2. A public reprimand is hereby imposed upon respondent for her violation of N.J.S.A. 45:1-21(g).

NEW JERSEY STATE BOARD OF NURSING

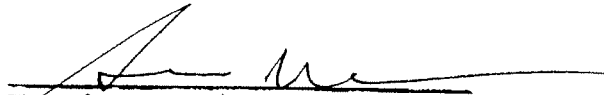
By:

  
Patricia Ann Murphy, PhD, APN, C  
Board President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms.

  
Janine Malave, R.N.

Consent as to form and entry:

  
Bonnie M. Weir, Esq.  
Attorney for respondent